

**RULES, REGULATIONS AND PROCEDURES
OF THE
CITY PLAN COMMISSION - KANSAS CITY, MISSOURI**

ARTICLE I - AUTHORITY AND POWERS OF THE COMMISSION

The authority and powers of the City Plan Commission of Kansas City, Missouri are contained in Section 89.310 through and including Section 89.460, Revised Statutes of Missouri, as amended; Article XI, Section 1101 through and including Section 1104, of the City Charter, and Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, commonly known as the Zoning and Development Code. Pursuant thereto, the City Plan Commission adopts these rules and regulations this __ day of __, 2014, to be effective _____.

ARTICLE II - ORGANIZATION AND STRUCTURE OF THE COMMISSION

A. MEMBERSHIP

The City Plan Commission of Kansas City, Missouri consists of eight (8) members. Each member is appointed by the Mayor and is commissioned to serve four (4) years. The terms of two (2) commissioners shall expire each year on April 30. All vacancies are filled by appointment by the Mayor of Kansas City, Missouri. All commissioners shall serve without pay or remuneration of any sort.

B. OFFICERS AND DUTIES OF OFFICERS

1. The Chairman is designated by the Mayor as the presiding officer of the Commission. The Commission shall elect annually in the month of May a Vice-Chairman from among the remaining seven (7) members.

2. The Chairman, or in his absence or disability, the Vice-Chairman, shall, as presiding officer, preside at all meetings and hearings of the Commission. In the absence or disability of both the Chairman and Vice-Chairman, an Acting Chairman shall be selected by members present.

The Chairman, Vice-Chairman or Acting Chairman may administer oaths, take evidence and compel the attendance of witnesses.

3. The presiding officer shall decide all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the members of the Commission present.

4. The Chairman shall appoint all committees of the Commission.

5. The Chairman shall report at any meeting on any official transaction taking place that has not come to the attention of the Commission.

C. COMMISSION STAFF

The Director of City Development shall serve as Secretary to the Commission and shall provide staff to carry out the duties and responsibilities of the Commission. The Secretary shall appoint an additional member of his/her staff as Assistant Secretary to serve in the absence of or on behalf of the Secretary. The Assistant Secretary shall appoint a member of his/her staff to serve as Assistant Secretary in his absence. All references in these rules to the Secretary shall include the Assistant Secretary and his/her designee. The Secretary shall be responsible for all routine correspondence and, subject to these rules and the direction of the Commission, the administration of all applications for zoning amendments, vacations, subdivision developments and other matters to be heard by the Commission. The Secretary shall be responsible for all notices, attend all meetings or hearings of the Commission, keep the minutes, compile the records and maintain the files and indexes. The Secretary shall be responsible for the preparation and publication of the staff report, said report to be published and made available to members of the City Plan Commission and to interested parties, as soon as available, but no later than the Friday preceding the next scheduled meeting of the City Plan Commission. Failure to publish and make available the staff report shall not invalidate any action taken by the City Plan Commission.

ARTICLE III - DUTIES OF THE COMMISSION

A. PREPARE OR RECOMMEND PLANS

The Commission shall prepare or recommend plans for:

1. The location, extension, widening, construction or improvement of streets, trafficways, boulevards, parks, playgrounds, community centers, other recreation facilities, public buildings, bridges, viaducts and subways.
2. A system or systems of widening and opening various through streets to relieve traffic congestion.
3. Matters of transit and transportation.
4. Districting and zoning the City as to the use to which property may be put, and regulating the height, area and use of buildings and premises.
5. The improvement of the river front and flood protection.
6. The supervision and regulation of platting and opening subdivisions.
7. The future physical development of the City.

B. RECOMMEND LEGISLATION AND EXERCISE ZONING POWERS

In addition to the duties in developing plans as stated above, the Commission shall:

1. Recommend such state and municipal legislation as may be necessary to carry out its plans.

2. Exercise the zoning power as provided in the Charter and Zoning and Development Code or by the laws of the state, with particular reference to the following:

To make recommendations on ordinances which divide the City into districts and for each of such districts, which impose regulations, restrictions or prohibitions designed to promote the public health, safety, convenience, comfort, or general welfare; which govern the erection of buildings and other structures and of premises to be used for trade, industry, residence or other specified purposes; which designate the kinds or classes of trade, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, constructed, reconstructed, altered, repaired or used; which regulate and limit the height and bulk of buildings and other structures; and which regulate building lines and limit the percentage of lot occupancy and regulate and limit the area of courts and other spaces.

C. OTHER DUTIES

The Commission shall also consider any matters which, by law, require the recommendation or decision of the Commission or which have been referred to the Commission for its recommendation or decision.

D. CONFLICT OF INTEREST AND UNDUE INFLUENCE.

It is the policy of the City Plan Commission that all cases be given a fair and impartial hearing and that no member shall form or express an opinion about the case until the case has been formally presented to the entire Plan Commission in an open meeting. The Commission is of the opinion that to function as a citizens advisory group, it must give all persons the same opportunity to express themselves in an open public meeting. The Commission therefore believes that it is inappropriate and unfair for people to contact Commission members outside of the public meeting regarding any case to be filed or any presently pending case. Attempts to lobby or discuss a case should take place only after the Commission has made its recommendation and the case is in the City Council's legislative process. The Commission therefore adopts the following rules.

1. Any member of the Commission having a business or personal interest in any case appearing before the Commission shall withdraw completely from participating in any action on that matter.

2. City Plan Commission members shall not discuss with others any case currently scheduled or to be scheduled before the Plan Commission.

3. No person, his agent, representative or any other person on his behalf shall contact, or attempt to contact, directly or indirectly, any member of the City Plan Commission regarding any case to be filed or presently pending before the Plan Commission, outside the course of an open meeting of the Plan Commission. In the event that such written or oral contact is made resulting in a discussion of any such case, the Plan Commissioner shall withdraw completely from participating in any action on the case.

4. Any member who believes that circumstances prevent him from being less than objective in the disposition of a case before the Plan Commission shall withdraw completely from participating in any action on the case.

5. This rule shall not prevent any member from serving on any City Plan Commission committee or any other City committee that deals with general planning and zoning issues. Any member who serves on such a committee shall not be required to withdraw from hearing any general City planning or zoning matter that comes before the City Plan Commission because of that member's service on such committee.

6. This rule shall not prevent any member from appearing before the Commission on any application pertaining to the member's personal residence.

ARTICLE IV - MEETINGS

A. REGULAR MEETINGS

Regular meetings of the Commission shall be on the first and third Tuesdays of each month, except meetings may be cancelled for good cause by the Chairman.

B. BUSINESS MEETINGS

There shall be no regular business meetings of the Commission but business meetings may be held in accordance with Subsection C hereof.

C. SPECIAL MEETINGS

Special meetings may be called by the Chairman when necessary to act upon matters before the Commission, or at the request of two (2) or more members, provided notice is given to each member of the Commission and to the public at least twenty-four (24) hours in advance by posting a notice in a conspicuous place within City Hall which shall specify the time and place of such meeting and by sending notice to the office of the City Manager. In addition thereto, the Secretary shall provide any notice required by the Missouri Sunshine Law or other state statutes or City ordinance.

D. QUORUM

A Quorum shall consist of four (4) members of the Commission.

E. ORDER OF BUSINESS

The Secretary shall have authority to establish the order of business of the regular meetings of the Commission. The order of business for special or business meetings shall be established by the Chairman in accordance with the notice required by Article IV(C).

ARTICLE V - PROCEDURES

A. OFFICE PROCEDURES

1. Files and Records

The proceedings of all Commission public hearings shall be recorded and permanently stored in files in the office of the Secretary to the Commission. In addition, all maps, charts, materials, documentation, staff reports, correspondence and interdepartmental referrals shall be maintained on a case basis, filed numerically. All items of business coming before the Commission without a case number shall be assigned a number in the proper numerical sequence. A cross-index file shall be maintained of all cases referring to geographic location.

2. Collection of Fees

Each application for zoning, rezoning, plan approval, vacation, or any other activity that requires a fee by law, must be accompanied by a check or money order or other satisfactory payment made payable to the City Treasurer. Acceptance of fees by the Secretary shall not presume acceptance of the application based on the completeness of all information required in the application by law or regulation. Amount and method of payment of fees shall accord with schedules or ordinances established or authorized by the City Council.

3. Office Hours

The office hours for conducting all normal business by the Commission staff shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, inclusive, except as otherwise established by City administrative policy.

B. HEARINGS PROCEDURES

1. Requests for hearings involving zoning amendments and development plans shall be scheduled at either of the first two (2) regular meetings after the expiration of the advertising period. For matters not requiring legal advertisements, the hearings may be heard at the next regular meeting scheduled at least five (5) days after the receipt of the application.

2. The applicant shall appear at the hearing in person or shall be represented by an agent. If the applicant or his agent fails to appear at the hearing, the case may be continued until the next available docket. If the Commission otherwise determines that adequate notification was given, the case may be heard on available testimony and acted upon without continuance to the next available docket.

3. For items requiring legal notice, the applicant may request a continuance from the Secretary prior to the date that legal notices are distributed for publication. Requests for continuance where legal notice has been distributed shall not be granted by the Secretary but may be granted by the Commission.

4. The order for each case shall be:

- a. Staff report, consisting of a concise statement of the facts and issues of the case;
- b. Presentation by applicant, including supporting witnesses;
- c. Opponents;
- d. Others;
- e. Closing comments by applicant.

5. When a quorum is lacking, all cases will automatically be continued until the next regularly scheduled meeting or until a special meeting is designated for this purpose.

6. All items on any Commission docket shall be acted upon the day they are heard. Action shall be any one of the following: Denial, Approval, Approval with modifications or conditions, or Continuance.

7. Only members present at the original hearing shall participate in any continued hearing, request for rehearing, or rehearing unless:

- a. No testimony has been received; provided, however, that the printed staff report shall not be deemed testimony; or
- b. No one appeared in opposition; or

c. Every person, or representative of that person, who testified at a previous hearing, is either present at the subsequent hearing and consents to a waiver of this provision or absent from the subsequent hearing but consents in writing to a waiver of this provision.

d. No waiver shall be granted unless requested by the applicant and acted upon by the Commission.

e. This provision shall not apply to any hearing of general application, specifically including and by way of example, text amendments to the Zoning and Development Code and Master Plans/Area Plans.

8. If a case has been continued and if a quorum of the original members is unavailable in the near future and if waiver of the quorum provision is impossible, the Commission may dismiss the case without prejudice to permit the refiling of the case without regard to the one-year limitation on refiling and without fee. If a request for rehearing or a hearing is scheduled and if the presence of a quorum of the original members becomes impossible and waiver is impossible, the original decision shall remain intact but the one-year limitation or refiling shall commence as of the date of the original decision.

9. Any member of the Commission may move that the Commission go into closed session to discuss any of the matters allowed to be closed under Section 610.021 RSMo. The vote on the motion shall be by individual roll call vote. The Chairman, or the person serving as chairman at a particular meeting, has the authority to end any closed session without vote, unless another member objects, in which case a vote will be taken by roll call.

C. Application Procedures.

1. Requests for amendments to the zoning map and for development plan approval shall be submitted to the Secretary and shall include the following items:

a. A completed application form obtained from the City Development Department filed by the property owner or his agent. (For UR zoning applications, see Section 88-510-01-B to determine who is authorized to apply.) If the property is owned by more than one entity all property owners must execute the application. The application shall be executed in the name under which the property is owned and in the form required for the execution of deeds. An agent of the property owner may file the application provided that a consent in accordance with Form A, B, or C is attached to said application.

b. A filing fee as provided by law.

c. An affidavit from the applicant indicating compliance with subsection C.7., below. Such affidavit shall be filed with the Secretary prior to the public hearing on the application by the Commission.

d. For planned developments and development plans, sufficient copies of the site development plans, with the adequacy of the information shown thereon, as determined by the staff.

e. Additional data and drawings as determined by the Commission or the Secretary to enable the Commission to adequately evaluate the proposed project.

2. Upon recommendation by the Commission, a zoning amendment is submitted as an ordinance to the City Council by the Secretary.

3. Prior to advertising the zoning request, the Secretary may expand the original requested area to form reasonable zone boundaries.

4. Amendments to the text of the Zoning and Development Code shall be submitted and processed in accordance with 88-510.

5. For requests for amendments to the zoning map the applicant shall within five (5) days of filing such request notify the official neighborhood organization(s) in which the subject area is located which is registered in accordance with 88-505-11. The applicant shall file an affidavit prior to the public hearing that said notification has been made. The applicant is encouraged to meet with such neighborhood organizations prior to the City Plan Commission public hearing in sufficient time to inform the organizations and to allow response from such neighborhood organizations.

6. The applicant for any zoning change, or any development plan approval, shall cause the property which is the subject of the application to be posted with a sign visible from a public right-of-way or public place and shall be posted no further than ten (10) feet from the property line exclusive of public right-of-way and shall be posted in such a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. Such sign shall be posted by the applicant no later than fifteen (15) days prior to the public hearing.

7. The following procedures shall apply to planned developments approved under Chapter 80:

a. Applications for planned developments shall include an approximation of the height of any building in feet and floors with an indication of the size and height of mechanical system or facilities which would be above the top of the parapet and the highest elevation of any structure based on Kansas City datum. Such information shall be set forth on all preliminary and final plans.

b.. Requests for amendments to planned developments, including but not limited to CP, CUP, GP, PD, -p, O, shall include all the information required in C1, above, provided further that any planned development which has multiple ownerships will not require written authorization from the other property owners within the district if either (i) the plan amendment does not affect the bulk or area requirements (including floor area ratio, ground coverage, setbacks, parking, height or screening) or (ii) the other property

owners have been notified by the applicant as provided in Section 80-360(a), Code of Ordinances. In order to determine whether there is any effect on the remaining property by virtue of the amendment, the applicant shall include in its application a specific statement as to extent of the changes. In the course of the hearing before the City Plan Commission, if the Commission determines that there is an effect to the detriment of the remaining property owners, the Commission shall continue the matter until the consent of the remaining property owners is filed or until notice is sent as hereafter provided. In the event that the applicant is unable to secure the consent of the remaining property owners within the district, the applicant shall send notice to such property owners by certified mail. If no property owner responds in writing within thirty (30) days after the date notice is mailed, the application shall be placed on the next available docket. However, the applicant shall provide an affidavit to the Commission to indicate compliance with this rule.

D. VACATION PROCEDURES

1. Petitions for the vacation of any public street, alley, or subdivision of land or part thereof, shall be filed with the Secretary in accordance with the current regulations.
2. Petitions for the vacation of streets, alleys, or subdivision plats shall be accompanied by the fees required in City ordinances.
3. A written report shall be prepared by the Secretary and the matter considered by the Commission. The recommendation of the Commission shall be forwarded by the Secretary to the appropriate City departments for ordinance preparation.

E. PROCEDURE FOR URBAN REDEVELOPMENT PROJECTS

1. Private urban redevelopment projects shall be submitted to the Commission as required by Chapter 74 of the Code of Ordinances of the City of Kansas City, Missouri, commonly known as the "Urban Redevelopment Ordinance." The schedule of fees to be charged for urban redevelopment projects shall be as required by City ordinance.
2. Public redevelopment projects, such as Land Clearance for Redevelopment Projects and Planned Industrial Expansion Projects, shall be submitted in accordance with the applicable state statute.
3. The Commission shall review the material submitted and determine whether the Plan is in conformance with the Master Plan of the City and shall make such other recommendations as required.

F. NOTICE TO NEIGHBORHOOD ORGANIZATIONS

1. The Secretary to the Commission shall maintain a copy of or access to the list of neighborhood organizations registered pursuant to Section 88-505-11.

2. The Secretary to the Commission shall notify each registered organization of any hearing for which a case has been docketed in the area encompassed within the geographic boundaries for each organization as required by the 500 series of Chapter 88.

G. PROCEDURE FOR HEARINGS FOR HISTORIC LANDMARK OR HISTORIC DISTRICT DESIGNATION

1. Subsequent to a recommendation of approval from the Historic Preservation Commission, the Commission's administrator shall forward the Findings of Fact and Conclusions of Law to the Secretary of the City Plan Commission.

2. The designation request shall be set for the next available docket after the expiration of publication of notice.

3. Courtesy notices shall be provided as in accordance with the procedure for notification of a zoning change.

4. At the hearing before the City Plan Commission, the Historic Preservation Commission administrator will present the matter to the City Plan Commission. The procedure for hearing the proponents and opponents shall follow the provisions set forth in Article V(B) hereof.

5. The Secretary to the City Plan Commission shall make recommendations or comments on any designation if said designation is in conflict with the Master Plan, Major Street Plan, any urban renewal plan, any private redevelopment plan or any other plan affecting the future development of the City.

6. The City Plan Commission shall give due deference to the findings of the Historic Preservation Commission but shall determine for itself whether designation is appropriate.

7. The City Plan Commission shall also consider the impact of the designation on surrounding property and the relationship of the designation to the Master Plan, Major Street Plan, any urban renewal plan, any private development plan or any other plan affecting the future development of the City.

8. The recommendation of the City Plan Commission shall be forwarded to the City Council.

H. PROCEDURE FOR APPLYING FOR A BUILDING PERMIT AND DESIGN REVIEW IN A SPECIAL REVIEW DISTRICT

1. Each Design Review Committee shall elect its own chairman from among the voting members and secretary from among voting or non-voting members. Only voting members may elect the chairman and secretary.

2. The chairman shall appoint one individual from among the voting or non-voting members of the Committee who shall serve as a contact person between the Committee and the City and individuals seeking a building permit within the district. The name, address and telephone number of each contact person shall be filed in the office of the City Plan Commission.

3. The Committee may elect whatever other officers that are necessary in accordance with the rules of its Committee.

4. The chairman shall have authority to appoint any subcommittees necessary to discharge the duties of the Committee.

5. As soon as possible after the appointment of a Committee, a staff member of City Development Department shall set a time, date and place for the first meeting for the purpose of electing officers and adopting rules and regulations for the administration of the Committee. The rules and regulations shall immediately be filed with the City Plan Commission upon adoption.

6. Prior to the application for a building permit, for any improvements or changes which involve the exterior of a proposed or existing structure in a Special Review District, the applicant must first submit for approval a profile drawing of the exterior of the structure to the District's Design Review Committee.

7. If the applicant is unaware of this procedure and applies directly to the Permits Division, City Development Department for a building permit, the applicant shall be advised that the property lies within a Special Review District and refer the applicant to the Design Review Committee.

8. If the City Development Department staff receives any application for any project or rezoning within the boundaries of a Special Review District, they will immediately transmit any available information to the Design Review Committee.

9. If City Development Department staff receives an application for any project or rezoning within the boundaries of a Special Review District, the Design Review Committee shall be advised of, and may attend, Development Review Committee meetings related to that case, and City Development Department staff shall inform the applicant that the Special Review District regulations must be complied with.

10. The Director of City Development shall designate a member of the staff to assist the applicant by providing the name and address of a contact person and the standards for review.

11. Every effort shall be made to coordinate the reviews by the Design Review Committee and related City Plan Commission cases.

12. The Design Review Committee shall review the applications in accordance with the standards of the special district.

13. The Design Review Committee shall not have any authority to vary any standard.

14. The procedures of each Committee shall be filed and approved by the City Plan Commission.

15. The City Plan Commission shall have authority to review and act upon any application after review by the Design Review Committee under the following conditions:

- a. if the Design Review Committee denies any application;
- b. if the application seeks to vary or modify any standard upon good cause being shown that the applicant will bear an unnecessary burden either physical or economic;
- c. if the Design Review Committee fails to act within thirty (30) days of receipt of a completed application; provided that this term may be shortened but not lengthened in the regulations of the specific district; or
- d. if a property owner or lessee within the district appeals and challenges that the Design Review Committee exceeded its authority.

16. The review of applications by the City Plan Commission shall not require public notice and mailing as required by the Zoning and Development Code, but shall require the premises to be posted thirteen (13) days prior to the hearing before the City Plan Commission. The posting of the property shall indicate the subject matter, the location, the date and time of hearing, and the place of hearing and shall be of the same size and be posted as signs required for rezoning.

17. No application for a building permit for which approval is required by the Design Review Committee shall be accepted by the Permits Section unless the application is accompanied by a profile drawing stamped approved by the Committee.

18. Only details identified on the approved plan shall be binding upon the applicant as to the requirements of the Special Review District.

19. Approval of the Design Review Committee shall not be required before the issuance of any order of the Director of Neighborhood and Community Services that any building is a dangerous building pursuant to Article V, Dangerous Buildings or Structures, Chapter 56, Code of Ordinances of the City of Kansas City, Missouri.

I. APPEALS PROCEDURES

Appeals of any action shall be made in accordance with the procedures in Chapter 88, and shall be on the form provided by the Director of City Development. If no form is available for a particular appeal, an appeal may be made in a writing which is dated, which contains a description of the matter being appealed, including the case number, which contains the grounds for the appeal, and which is signed by the appellant.

ARTICLE VI - AMENDMENTS TO THE RULES, REGULATIONS AND PROCEDURES

These rules, regulations and procedures may be amended by the Commission, provided such amendments are presented in writing at a regular meeting or special meeting called for this particular purpose, and action taken thereon at a subsequent regular meeting.

ARTICLE VII – APPLICATION FORMS

Forms for any applications for approvals provided for in Chapter 88 will be available in the offices of the City Development Department and on its website. Any proposed substantive changes to applications will be posted on the department's website for 45 days prior to the change being made. The 45 day period is for the purpose of allowing comments, and for providing notice to applicants who are in the process of applying for approvals.

ARTICLE VIII – TRANSITION FROM CHAPTERS 66 AND 80 TO CHAPTER 88

Effective January 1, 2011, Chapter 88 is applicable to all zoning and subdivision applications. Chapter 88 contains transition provisions that allow certain projects to continue in accordance with a previously approved permit or plan. Chapters 66 and 80 must be kept available to be used when necessary to determine the applicable procedure for such projects.

FORM A

INDIVIDUAL CONSENT

State of _____)
)ss
County of _____)

I, _____, as owner of the property legally described in the application for rezoning from District _____ to District _____, acknowledge the submission of said application and agree to bind the subject property in accordance with the plan submitted and with any representation made by

Signature

Subscribed and sworn to before me a notary public this _____ day of _____, 20____.

Notary Public

My commission expires:_____

FORM B

PARTNERSHIP CONSENT

State of _____)
)ss
County of _____)

I, _____, as general partner for
_____, owner of the property described in
the application for rezoning from District _____ to District _____,
acknowledge the submission of said application on behalf of said partnership and agree to bind
the subject property on behalf of said partnership in accordance with the submitted plan and with
any _____ representation _____ made _____ by
_____.

General Partner

(Partnership name)

Subscribed and sworn to before me a notary public this _____ day of _____, 20____.

Notary Public

My commission expires:_____

FORM C

CORPORATE CONSENT

State of _____)
)ss
County of _____)

I, _____,

as _____, on behalf of and through the authority of

the Board of Directors for _____ Corporation, owner of the property

described in the application for rezoning from District _____ to District

_____, acknowledge the submission of said application on behalf of said corporation

and agree to bind the subject property on behalf of said corporation in accordance with the

submitted plan and with any representation made by

_____.

Officer Signature

Corporation name

Subscribed and sworn to before me a notary public this _____ day of _____, 20____.

Notary Public

My commission expires:_____